

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 10, 2008 has been entered.
2. Claims 7-21 and 32-46 are pending.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-20, 32-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 7 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: receiving authentication information from the customer before verifying the identity of the customer.

### ***Claim Objections***

6. Claim 16 is objected to because of the following informalities: typographical error. Claim 16 recites "sending, by said issuer, of a card authentication verification value to said third party", please delete "of". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-21 and 32-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2005/0131826 to Cook in view of U.S. Publication No. 2001/0029496 to Otto et al. ("Otto").

Referring to claim 7, Cook discloses associating a designated password with said account (see paragraph [0027]), receiving an authentication request message at an access control server operated by said issuer from said third party during said online transaction, said message requesting verification of the identity of said customer, requesting over a network, by said issuer from said customer during said online transaction, of an identity-authenticating password; verifying, by said issuer, that said identity-authenticating password from said customer matches password previously designated for said account and notifying said third party over said network during said online transaction, by said issuer, that said customer is the actual owner of said account when said identity-authenticating password entered by said customer matches the password that was previously designated for said account, whereby said issuer authenticates said customer for said third party during said online transaction (see claims 1, 4, 5, and 8). Cook does not expressly disclose verifying, by said issuer during a registration process, the identity of said customer as the owner of said account. Otto discloses verifying, by an issuer during a registration process, the identity of said customer as the owner of said account (see paragraphs

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[0037]-[0038]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Cook to include the step of verifying, by said issuer during a registration process, the identity of said customer as the owner of said account. One of ordinary skill in the art would have been motivated to do this because it ensures that the user that is establishing the account is not fraudulent.

Referring to claim 8, Cook discloses said issuer is an issuer financial institution and said third party is an online merchant, whereby said online merchant conducts an online financial transaction with said customer and wherein said account of said customer is maintained by said issuer financial institution (see abstract).

Referring to claims 9-11, Cook discloses querying an access control server to determine if an account of said customer is enrolled in an authentication service before said step of receiving, wherein the access control server determines if said customer account is enrolled by verifying that said customer account is contained in a database of enrolled customer accounts; querying a directory server to verify that said customer account is associated with an issuer financial institution that is participating in said payment authentication service, whereby said customer account is not enrolled with said payment authentication service if said customer account is not associated with an issuer financial institution (see paragraphs [0062], [0072], and [0073]).

Referring to claim 12, Cook discloses sending to said third party's computer system an Internet address for said access control server, said Internet address passing through said directory server before reaching said third party's compute system, whereby said Internet address

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for said access control server allows said third party to directly communicate with said access control server (see paragraph [0066]).

Referring to claim 13, Cook discloses reviewing a memory device controlled by said third party to verify that said customer account is associated with an issuer financial institution participating in said payment authentication service, whereby said customer account is not enrolled with said payment authentication service if said customer account is not associated with an issuer financial institution (see claim 11 above and paragraph [0110]).

Referring to claim 14-16, Cook discloses generating, by said issuer, a digitally-signed transaction receipt using a signature key of said issuer, sending, by said issuer, said digitally-signed transaction receipt confirms to said third party that the identity of customer has been authenticated, wherein said transaction receipt includes a number associated with said customer account, a transaction payment amount, and a transaction payment date, sending, by said issuer, a card authentication value to said third party, the card authentication verification value containing a unique value for said customer account and a specific payment transaction, whereby said card authentication verification value uniquely identifies a specific authentication payment transaction (see paragraphs [0105] & [0099]).

Referring to claim 17, Cook discloses verifying by said third party, said digitally signed transaction receipt such that said third party is assured that said transaction receipt was sent from a specific issuer (see paragraph [0111]).

Referring to claim 18, Cook discloses sending, by said third party, of an authentication message to an issuer financial institution to verify said customer account has adequate credit for a requested purchase (see paragraph [0099] & fig. 5).

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Referring to claim 19, Cook in view of Otto disclose receiving, by said issuer, of enrollment information entered at an enrollment Internet web site by said customer, verifying, by said issuer that said enrollment information substantially matches information contained within a pre-existing database of customer information and storing said customer accounts (see claim 7 above).

Claims 20, 21 and 32-46 are rejected on the same rationale as claim 7 above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/

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Primary Examiner, Art Unit 3685